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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,587	04/11/2001	Silvia Allegro	33497	1497

116 7590 05/10/2004

PEARNE & GORDON LLP
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SUITE 1200
CLEVELAND, OH 44114-3108

EXAMINER

JACOBSON, TONY M

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 05/10/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.



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Paper No. 9

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 4/30/04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).**

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. ~~Other~~: SEE ATTACHED.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH time limit is not extendable**.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. **The period for response to a final rejection continues to run from the date set in the final rejection**, and is not affected by the non-compliant status of the amendment.

Bobbie Davenport 703-305-9630
Legal Instruments Examiner (LIE) Telephone No.

09/832,587

Serial Number

- ___ Canceled claims cannot show text of claim.
- ___ "Amended" is not a proper status identifier.
- ___ Amendments to the Specifications should begin on a separate page.
- ___ Amendment to the Claims should begin on a separate page.
- ___ "Remarks" should begin on a separate sheet.
- ___ The "Cover Sheet", amendments to the "Specifications", amendments to the "Claims", and "Remarks" should each begin on a separate sheet.
- ___ Only "Currently Amended" and "Withdrawn" claims can show markings.
- ___ Drawings should each have "Replacement Sheet(s)" or "Annotated Sheet(s)" as a heading.
- ___ "Previously Added" is not a proper status Identifier.
- ___ "Previously Amended" is not a proper status identifier.
- ___ A Clean copy and A Marked Up copy of the Claims is a Non-Compliant amendment Format.
- ___ "Claims _____ have been cancelled" is an improper status identifier.
- ___ "Currently Amended claims must show markings.

Each Status Identifier must be in Parentheses ().

Drawings should each have "Replacement Sheet(s)" or "Annotated Sheet(s)" as a heading in the "Portrait" position only, not the "Landscape" position.

A Clean copy and a Marked Up copy of Substitute Specification is needed.

Amendments to the Specifications must be by marked-up replacement paragraphs or sections only; (no clean or replacement paragraph or section is required; No replacements sheets permitted.

Amendment was unsigned.

X Claims 24 & 25 should be "(New)" and not "(Currently Amended)" claims
